



**Allan G. Bense, Speaker**

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## **Colleges & Universities Committee Meeting**

**November 8, 2005  
Reed Hall, 1:15 pm – 3:15 pm**

**Allan G. Bense  
Speaker**

**David Mealor  
Chair**



# **Florida House of Representatives**

**Allan Bense, Speaker  
Colleges & Universities Committee**

**David Mealor  
Chair**

**Larry Cretul  
Vice Chair**

**Meeting Agenda  
Tuesday, November 8, 2005  
Reed Hall, 1:15 – 3:15 PM**

- I. Convening of Meeting and Call to Order**
- II. Roll Call**
- III. Opening Remarks**
- IV. Consideration of the following bills:**
  - HB 19 University Building Designation by Justice**
  - HB 205 Student Financial Assistance by Kravitz**
- V. Presentation: Overview of Energy Research and Related Activities in the State University System**
  - Dr. James Fenton**
  - Director, Florida Solar Energy Center**
  - University of Central Florida**
- VI. Presentation: Interim Project Update**
- VII. Closing Comments / Meeting Adjourned**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 19

University Building Designation

**SPONSOR(S):** Justice

**TIED BILLS:**

**IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee		Davis <i>AD</i>	Tilton <i>BT</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

### SUMMARY ANALYSIS

Current law does not permit a state building, road, bridge, park, recreation complex, or similar facility to be named after a living person unless the name designation is approved by law. Pursuant to this requirement, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

The bill permits the University of South Florida St. Petersburg in Pinellas County to designate the building known as Coquina Hall as "H. William Heller Hall" and to erect suitable markers and signs acknowledging this designation. The bill takes effect upon the effective date of the retirement or resignation of H. William Heller from, or the termination of H. William Heller's employment with, the University of South Florida St. Petersburg.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

Section 267.062, F.S., provides that no state building, road, bridge, park, recreational complex, or similar facility can be named after a living person unless approved by law. Therefore, if a university wishes to name a particular building or facility after a living person, the designation must be approved by the Legislature.

A section-by-section analysis of the bill follows. The biographical information was provided by the University of South Florida St. Petersburg.

Section 1: The bill designates the building known as Coquina Hall at the University of South Florida St. Petersburg in Pinellas County as "H. William Heller Hall." Coquina Hall currently houses the College of Education. The bill directs the University of South Florida St. Petersburg to erect suitable markers and signs acknowledging the designation.

H. William Heller is a professor at the University of South Florida St. Petersburg. A former Vice President of the St. Petersburg campus, Dr. Heller joined the staff of the University of South Florida in 1992. Since that time, he has been awarded more than \$18 million in grants and contracts and is currently responsible for directing, as principle investigator, projects funded in excess of \$1 million.

Dr. Heller has been awarded the Presidential Citation for Exemplary Performance as Vice-Chairman of the White House Conference on Handicapped Individuals as well as the Teacher Educator of the Year Award, Teaching Education Division by the Council of Exceptional Children and the Merrill Publishing Company. He was also the recipient of the 1991 E. Wallace Wallin Award by the Council for Exceptional Children. This award, the highest honor bestowed by the Council, is predicated on excellence in leadership, service, and accomplishments in the education of children with exceptionalities. He has been awarded the United Way Alex de Tocqueville Society Volunteer Service Award, the Outstanding Service Award by the U.S. Air Force and U.S. Department of Defense, and the Romaine Mackie Leadership Award in Special Education by the Pioneer Division of the Council for Exceptional Children. In 2002, Dr. Heller was honored by the City of St. Petersburg for a "Decade of Excellence," and August 21, 2002, was proclaimed Bill Heller Day by the City of St. Petersburg. He was recently nominated for the Outstanding Leadership Award in Special Education by the Council for Exceptional Children; the recipient will be announced in April 2006. In addition, Dr. Heller was selected by faculty to become the first recipient of the Excellence in Professional Service Award from the University of South Florida St. Petersburg.

Dr. Heller has served in leadership roles with the Council for Exceptional Children, the American Association for Mental Retardation, the National Board for Professional Teaching Standards, the American Association for Colleges for Teacher Education, and the National Council for Accreditation of Teacher Education. He served two terms as the head of the Faculty Council for the St. Petersburg campus and was selected by the administration to chair the committee to revise the University of South Florida St. Petersburg Strategic Plan. His professional contributions include more than 350 presentations and publications.

Section 2: Provides an effective date of the date of retirement or resignation of H. William Heller from, or the termination of H. William Heller's employment with, the University of South Florida St. Petersburg.

**C. SECTION DIRECTORY:**

This bill does not create, repeal, or amend any statutory sections. Please refer to Effect of Proposed Changes for a section by section analysis of the bill.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

This bill does not appear to have a fiscal impact on state revenues.

**2. Expenditures:**

Please see FISCAL COMMENTS.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

This bill does not appear to have a fiscal impact on local revenues.

**2. Expenditures:**

This bill does not appear to have a fiscal impact on local expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

This bill does not appear to have a direct economic impact on the private sector.

**D. FISCAL COMMENTS:**

There will be an insignificant impact associated with the university erecting suitable markers for this name designation.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

**2. Other:**

This bill does not appear to raise constitutional issues.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

A bill to be entitled  
 An act relating to university building designation;  
 designating a building located at the University of South  
 Florida St. Petersburg as "H. William Heller Hall";  
 directing the university to erect suitable markers;  
 providing an effective date.

WHEREAS, under H. William Heller's leadership, the  
 University of South Florida St. Petersburg has seen new  
 developments, including the addition of lower-division academic  
 programming which advanced the campus from an institution  
 serving only juniors, seniors, and graduate students to a full  
 4-year institution, and

WHEREAS, under H. William Heller's leadership, the  
 University of South Florida St. Petersburg initiated the process  
 to achieve separate accreditation from the Southern Association  
 of Colleges and Schools, and

WHEREAS, under H. William Heller's leadership, the  
 University of South Florida St. Petersburg expanded course and  
 program offerings so that students now are able to take entire  
 course loads at the University of South Florida St. Petersburg  
 and graduate on a timely basis, and

WHEREAS, under H. William Heller's leadership, the  
 University of South Florida St. Petersburg won approval for  
 residence halls on campus, a first for a University of South  
 Florida regional campus, and

WHEREAS, under H. William Heller's leadership, the  
 University of South Florida St. Petersburg obtained nearly a 30-



29 percent budget increase as a result of 2002 legislative  
30 appropriations, representing a milestone for the campus and  
31 providing an opportunity for the university and campus to shape  
32 academic programs for years to come, and

33 WHEREAS, under H. William Heller's leadership, the  
34 University of South Florida St. Petersburg fostered  
35 university/community partnerships with the Florida Humanities  
36 Council, YWCA, All Children's Hospital, USGS, Pinellas County  
37 schools, City of St. Petersburg, and Bayboro neighbors, and

38 WHEREAS, under H. William Heller's leadership, the  
39 University of South Florida St. Petersburg increased diversity  
40 among students and faculty, realizing a gain of 20.5 percent in  
41 minority recruitment, and

42 WHEREAS, under H. William Heller's leadership, the  
43 University of South Florida St. Petersburg expanded disability  
44 services, and

45 WHEREAS, under H. William Heller's leadership, the  
46 University of South Florida St. Petersburg implemented a  
47 successful SAT preparation program for minorities, increasing  
48 student SAT scores by an average of more than 100 points, and

49 WHEREAS, under H. William Heller's leadership, the  
50 University of South Florida St. Petersburg completed an economic  
51 impact study with projections to 2012, and

52 WHEREAS, under H. William Heller's leadership, the  
53 University of South Florida St. Petersburg initiated and  
54 completed revision of the 1994-1995 master plan for the campus,  
55 and

56 WHEREAS, under H. William Heller's leadership, the  
57 University of South Florida St. Petersburg increased access to  
58 University of South Florida offerings throughout Pinellas County  
59 by offering as many as 10 off-campus sites, and

60 WHEREAS, under H. William Heller's leadership, the  
61 University of South Florida St. Petersburg increased student  
62 enrollment by 55 percent in 5 years, surpassing FTE enrollment  
63 goals, and

64 WHEREAS, under H. William Heller's leadership, the  
65 University of South Florida St. Petersburg tripled enrollment in  
66 the Honors Program in 2 years, and

67 WHEREAS, under H. William Heller's leadership, the  
68 University of South Florida St. Petersburg implemented three new  
69 degree programs, and

70 WHEREAS, under H. William Heller's leadership, the  
71 University of South Florida St. Petersburg nearly tripled the  
72 number of faculty members, and

73 WHEREAS, under H. William Heller's leadership, the  
74 University of South Florida St. Petersburg developed a  
75 responsive governance infrastructure for the campus,  
76 establishing the first A&P and USPS councils, as well as the  
77 Vice President's Council, and

78 WHEREAS, under H. William Heller's leadership, the  
79 University of South Florida St. Petersburg spearheaded the Urban  
80 Initiative, and

81 WHEREAS, under H. William Heller's leadership, the  
82 University of South Florida St. Petersburg implemented a St.

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Petersburg College presence on campus that provides educational opportunities for approximately 500 students, and

WHEREAS, under H. William Heller's leadership, the University of South Florida St. Petersburg created an internal infrastructure that permits greater input into campus decisionmaking by all groups on campus, and

WHEREAS, under H. William Heller's leadership, the University of South Florida St. Petersburg promoted the offering of Saturday classes on campus, and

WHEREAS, under H. William Heller's leadership, the University of South Florida St. Petersburg increased external funding exponentially, and

WHEREAS, the Legislature finds it appropriate to honor H. William Heller's leadership and contributions to the University of South Florida St. Petersburg and the Tampa Bay community, NOW, THEREFORE,

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) The building known as Coquina Hall, located on the campus of the University of South Florida St. Petersburg in Pinellas County, is designated "H. William Heller Hall."

(2) The University of South Florida St. Petersburg is directed to erect suitable markers designating H. William Heller Hall as described in subsection (1).

Section 2. This act shall take effect upon the effective date of the retirement or resignation of H. William Heller from,

F L O R I D A   H O U S E   O F   R E P R E S E N T A T I V E S

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111 | or the termination of H. William Heller's employment with, the  
112 | University of South Florida St. Petersburg.



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 205

Student Financial Assistance

**SPONSOR(S):** Kravitz

**TIED BILLS:**

**IDEN./SIM. BILLS:** SB 458

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Colleges & Universities Committee		Hatfield <i>JCH</i>	Tilton <i>BT</i>
2) Education Appropriations Committee			
3) Education Council			
4) _____			
5) _____			

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### SUMMARY ANALYSIS

This bill prohibits a public university or community college from providing any student holding an F-1 or M-1 visa with financial assistance from state funds appropriated directly or indirectly to the institution or tuition or fee revenues generated by Florida residents. Financial assistance does not include compensation paid to students for assistantships or participation in work-study programs.

Such funds must be redirected to provide additional need-based financial assistance to eligible Florida residents. After the unmet need for such residents is fully satisfied without reliance on loans, any funds remaining must be used to provide merit-based financial assistance to eligible Florida residents.

This bill also creates reporting requirements for universities and community colleges.

The Department of Education reports that for the 2003-2004 academic year an estimated \$6.9 million from state funds and tuition and fee revenues would have been redirected to Florida residents enrolled in the State University System and an estimated \$1.3 million would have been redirected to Florida residents enrolled in the Florida Community College system. The Department of Education is currently in the process of gathering updated figures for the 2004-2005 academic year. See FISCAL COMMENTS section for further details.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Provide limited government**—The bill creates reporting requirements for public universities and community colleges.

**Empower families**—The bill may give Florida residents previously unable to afford a higher education an opportunity to enroll in a public university or community college; however, this bill may also limit opportunities for foreign individuals or families by eliminating sources of financial assistance. The bill may also have the potential of decreasing the amount of private financial aid funds for Florida residents if institutions redirect such funds to foreign students in order to sustain the population of these students at an institution.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

The Federal Immigration and Nationality Act (Act) governs the admission of all foreigners to the United States. The Act provides two nonimmigrant<sup>1</sup> visa categories for persons wishing to pursue full-time academic or vocational studies in the United States. The "F" visa is reserved for a nonimmigrant wishing to pursue academic studies or language training. The "M" visa is reserved for a nonimmigrant wishing to pursue nonacademic or vocational studies.

Foreign students seeking to study in the United States may enter under an F-1 or M-1 visa provided they meet the following criteria:

- The student must be enrolled in an "academic" educational program, a language-training program, or a vocational program;
- The school must be approved by United States Citizenship and Immigration Services;
- The student must be enrolled as a full-time student at the institution;
- The student must be proficient in English or be enrolled in courses leading to English proficiency;
- The student must maintain a residence abroad which he or she has no intention of giving up; and
- The student must have sufficient funds available for self-support during the entire proposed course of study.<sup>2</sup>
  - Sufficient funds must equal the amount an institution estimates will be needed to cover tuition, room and board, books, and any other living expenses and may be in the form of one or a combination of the following:
    - An affidavit from a person financially sponsoring the student;
    - The student's personal bank account information;
    - Proof of a scholarship received by the student; and

<sup>1</sup> According to 8 U.S.C. § (a)(15)(F)(i), the term "immigrant" means every alien except an alien who is within one of the following classes of nonimmigrant aliens – an alien having a residence in a foreign country which he has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who seeks to enter the United States temporarily and solely for the purpose of pursuing such a course of study . . . at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or in a language training program in the United States . . . which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student.

<sup>2</sup> <http://uscis.gov>

- Proof of financial aid that the student will be receiving.<sup>3</sup>

### **Effect of Bill**

Currently, financial assistance for students may be funded from a variety of sources such as state appropriations, indirect state grants distributed through state agencies, federal grants, tuition and fee revenues, and private contributions. Beginning in the 2007-2008 academic year, this bill prohibits a state university or community college from using state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents to provide financial assistance to any student holding an F-1 or M-1 visa.

For purposes of this bill, financial assistance does not include compensation paid to students for assistantships or for participation in work-study programs. Universities use graduate student assistants to support classroom teaching and university research. Both community colleges and universities use work-study students to support academic and administrative institutional functions.<sup>4</sup>

State universities or community colleges that wish to provide financial assistance to students with F-1 or M-1 visas can provide assistantships and work-study programs or use private funds or tuition and fees from non-residents.

By December 31, 2006, each state university and community college must report to the President of the Senate and the Speaker of the House of Representatives the total amount of state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents that was used to provide:

- Financial assistance during the 2004-2005 academic school year to students holding F-1 or M-1 visas and
- Need-based financial assistance during the 2004-2005 academic school year to students classified as residents for tuition purposes.

This bill requires that state funds appropriated directly or indirectly to the institution or tuition or fee revenues generated by Florida residents be redirected to provide additional need-based financial assistance to eligible Florida residents.

The bill defines "eligible Florida resident" to mean a student classified at the time of initial enrollment at a state university or community college as a resident for tuition purposes pursuant to s. 1009.21, F.S.<sup>5</sup> This definition prohibits students who become reclassified as a resident for tuition purposes from receiving the redirected aid.

The redirected funds must not be used to reduce or supplant the existing level of funding Florida residents currently receive for need-based financial assistance from state funds appropriated directly or indirectly to the institution and tuition and fee revenues generated by Florida residents. After the unmet need for eligible Florida residents is fully satisfied without reliance on loans, any funds remaining must be used to provide merit-based financial assistance to eligible Florida residents.

<sup>3</sup> Information received from a February 9, 2005, phone conversation with an employee of the Student and Exchange Visitor Program (SEVP), a division of U.S. Immigration and Customs Enforcement (ICE), the largest investigative arm of the Department of Homeland Security (DHS).

<sup>4</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 3.

<sup>5</sup> Section 1009.21(2), F.S., to qualify as a "resident for tuition purposes" a person must establish and maintain legal residence in this state for at least 12 months prior to qualification, make a statement as to his or her length of residence in the state, and further establish that such residence is not temporary but rather for the purpose of maintaining a "bona fide domicile".



By July 1, 2008, the state universities and community colleges must also report to the President and the Speaker on the number of Florida residents benefiting from financial assistance as a result of the redirected funds.

In the 2005 Department of Education (DOE) analysis, DOE found that Florida's public postsecondary students were not currently reported by the type of visa, but by student residency. The DOE also indicated that the ability to clearly identify which revenues are used for financial aid to international students would require some administrative and accounting modifications.<sup>6</sup> The extent to which modifications, if any, have been made is not known. The DOE is currently working on providing updated information.

**C. SECTION DIRECTORY:**

**Section 1.** Creates an unnumbered section to provide legislative intent; creates reporting requirements for state universities and community colleges; prohibits use of certain funds to provide financial assistance to certain foreign students; defines the term "eligible Florida resident;" and provides for redirection of funds to provide additional need-based financial assistance to eligible Florida residents.

**Section 2.** Provides an effective date of July 1, 2006.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

This bill does not appear to have a fiscal impact on state government revenues.

**2. Expenditures:**

See FISCAL COMMENTS.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

This bill does not appear to have a fiscal impact on local government revenues.

**2. Expenditures:**

This bill does not appear to have a fiscal impact on local government expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

See FISCAL COMMENTS.

**D. FISCAL COMMENTS:**

The DOE reports that for the 2003-2004 school year, an estimated \$6.9 million from state funds and tuition and fee revenues would have been redirected to Florida resident students enrolled in the State University System<sup>7</sup> and that an estimated \$1.3 million from state funds and tuition and fee revenues

<sup>6</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 2-3.

<sup>7</sup> In March 2005, the Division of Colleges and Universities provided a spreadsheet noting that the \$6.9M that would have been redirected came from 1,246 students that held an F-1 visa, were enrolled in a state university and received state funding.

would have been redirected to Florida residents enrolled in the Florida Community College system.<sup>8</sup> The DOE is currently in the process of gathering updated figures for the 2004-2005 academic year.

If reporting requirements and accounting systems have not yet been modified, then this bill may increase administrative costs due to new reporting requirements and the need to modify accounting systems to capture the information required in the bill. The fiscal impact of these modifications is indeterminate.<sup>9</sup>

According to the DOE 2005 analysis, there would be no increase or decrease in expenditures from this bill; instead, the use of certain funds would be redirected.<sup>10</sup> Florida residents previously unable to afford a higher education may now have the opportunity to receive such education as a result of the redirected funds; however, this bill may limit opportunities for foreign individuals or families by eliminating sources of financial assistance that might otherwise have been received. The bill may also have the potential of decreasing the amount of private financial aid funds for Florida residents if institutions redirect such funds to foreign students in order to sustain the population of these students at an institution.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

##### 2. Other:

##### **Equal Protection**

Both the Fourteenth Amendment to the United States Constitution and Article I, section 2 of the Florida Constitution guarantee equal protection of the laws to "persons," not only to citizens. This bill may raise constitutional concerns under these provisions.

While Congress may, in light of its plenary power over immigration,<sup>11</sup> generally make classifications based on citizenship as long as they are not arbitrary and unreasonable,<sup>12</sup> state or local laws which do so are subject to strict scrutiny. Such laws must seek to advance a compelling governmental interest and must be narrowly tailored to advancing that interest.<sup>13</sup>

It could be argued that the bill meets strict scrutiny requirements because the bill determines that it is a compelling governmental interest to use a portion of the state's resources to expand access to postsecondary education and to reduce student indebtedness. Expanding access and increasing financial assistance not only will encourage Florida residents to pursue postsecondary education, but also will produce economic benefits for the state by increasing the levels of higher educational attainment and earning potential of Florida's citizenry. In addition, it appears to be narrowly tailored to advance the interest of the state in that it only prohibits use of state funds to provide financial assistance to students with an F-1 or M-1 visa, and does not include those students receiving paid

<sup>8</sup> In April 2005, the Division of Community Colleges & Workforce reported that the \$1.3 million that would have been redirected came from 532 community college students that held an F-1 visa.

<sup>9</sup> Florida Department of Education 2005 Legislative Bill Analysis, HB 21, January 21, 2005, at 3.

<sup>10</sup> *Id.*

<sup>11</sup> See Art. I, s. 8, U.S. Const. ("Congress shall have Power To . . . establish an uniform Rule of Naturalization[.]")

<sup>12</sup> See *Mathews v. Diaz*, 426 U.S. 67 (1976).

<sup>13</sup> See *Bernal v. Fainter*, 467 U.S. 216 (1984).

compensation for assistantships or participation in work-study programs. Such students also may still receive financial assistance via federal and private monies.

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

HB 205

2006

A bill to be entitled

An act relating to student financial assistance; providing legislative intent to expand access to postsecondary education and reduce student indebtedness; requiring each state university and community college to report information relating to certain funds used to provide financial assistance to certain students; prohibiting the use of such funds to provide financial assistance to specified foreign students; defining the term "eligible Florida resident"; providing for the redirection of funds to provide additional need-based financial assistance to eligible Florida residents; requiring a report by state universities and community colleges; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. (1) It is the intent of the Legislature to use a portion of the state's limited resources to expand access to postsecondary education and to reduce student indebtedness by increasing need-based financial assistance for Florida residents. Expanding access and increasing financial assistance will encourage Florida residents to pursue postsecondary education, which will produce economic benefits for the state by increasing the levels of higher educational attainment and earning potential of Florida's citizenry.

(2) By December 31, 2006, each state university and community college shall report to the President of the Senate

29 and the Speaker of the House of Representatives:

30 (a) The total amount of state funds appropriated directly  
31 or indirectly to the institution and tuition and fee revenues  
32 generated by Florida residents that was used to provide  
33 financial assistance during the 2004-2005 academic year to  
34 students holding F-1 or M-1 visas.

35 (b) The total amount of state funds appropriated directly  
36 or indirectly to the institution and tuition and fee revenues  
37 generated by Florida residents that was used to provide need-  
38 based financial assistance during the 2004-2005 academic year to  
39 students classified as residents for tuition purposes pursuant  
40 to s. 1009.21, Florida Statutes.

41 (3) Effective for the 2007-2008 academic year and each  
42 year thereafter:

43 (a) A state university or community college shall not use  
44 state funds appropriated directly or indirectly to the  
45 institution or tuition or fee revenues generated by Florida  
46 residents to provide financial assistance to any student holding  
47 an F-1 or M-1 visa.

48 (b) The amount of funds reported pursuant to paragraph  
49 (2)(a) shall be used by an institution to provide additional  
50 need-based financial assistance to eligible Florida residents.  
51 If the unmet need for eligible Florida residents is fully  
52 satisfied without reliance on loans, any remaining funds shall  
53 be used to provide merit-based financial assistance to eligible  
54 Florida residents.

55 (4) For purposes of this section, "eligible Florida  
56 resident" means a student classified at the time of initial

57 enrollment at a state university or community college as a  
58 resident for tuition purposes pursuant to s. 1009.21, Florida  
59 Statutes.

60 (5) Funds redirected pursuant to this section shall be  
61 additional funds for need-based financial assistance for  
62 eligible Florida residents and shall not be used to reduce or  
63 supplant the level of funding for need-based financial  
64 assistance for such students.

65 (6) For purposes of this section, financial assistance  
66 does not include compensation paid to students for  
67 assistantships or participation in work-study programs.

68 (7) Each state university and community college shall  
69 report to the President of the Senate and the Speaker of the  
70 House of Representatives by July 1, 2008, the number of Florida  
71 residents benefiting from the use of financial assistance  
72 provided from the funds redirected pursuant to this section.

73 Section 2. This act shall take effect July 1, 2006.

# **Interim Project Update**

**Florida House of Representatives**  
**Approved 2005-2006 Interim Project**

**Project Title:** Higher Education Statutes / Board of Governors

**Staff Responsible:** Betty Tilton and Jennifer Hatfield

**Council/Committee:** Education Council/Colleges & Universities Committee

**PROBLEM STATEMENT:** In the 2002 General Election, Floridians amended the State Constitution to require, effective January 7, 2003, a single state university system comprised of all public universities with a 13-member board of trustees administering each university and a 17-member statewide board of governors to govern the state university system (see Section 7 of Article IX of the State Constitution). The 2003 Legislature enacted ch. 2003-392, L.O.F., to reflect the adoption of this amendment.

During the previous interim, committee staff conducted an interim project to identify statutory changes needed to implement Section 7 of Article IX of the State Constitution. Legislative staff, in conjunction with a workgroup comprised of representatives from the Department of Education, the Education Policy Unit of OPB, and state universities, identified and reviewed nearly 800 statutes. Of these, over 350 may need to be amended or repealed to reflect the changes to the State Constitution.

The 2005 Legislature passed HB 1001 which clarifies the lines of authority and constitutional duties of the Board of Governors and the Legislature with regard to the State University System and declares the intent of the Legislature to reenact laws relating to the Board of Governors of the State University System, the university boards of trustees, the State Board of Education, and the postsecondary education system in accordance with the findings stated in the bill.

**PURPOSE OF THE PROJECT:** The purpose of this project is to draft a proposed committee bill to reflect the changes to the Constitution with regard to the State University System using the results of review conducted last year (updated to reflect any changes enacted during the 2005 Session) and the guiding principles set forth in HB 1001.

**EXPECTED FORMAT FOR OUTCOME:** (1) A brief report that provides a summary of the process used to identify and review the statutes and a summary of the workgroup recommendations and (2) a Proposed Committee Bill



**PROJECT TIMETABLE** (include proposed action steps/tasks and anticipated completion date for each):

Proposed Action Steps/Tasks	Anticipated Completion Date								
	May 2005	June 2005	July 2005	Aug. 2005	Sept. 2005	Oct. 2005	Nov. 2005	Dec. 2005	Jan. 2006
Compile notebook of EXCEL charts summarizing workgroup review			X						
Compile notebooks of statutes needing review			X						
Identify statutes needing review that were amended during 2005 Session			X						
Run search terms on 2005 Laws of Florida and identify any new laws or statutes that need to be reviewed					X				
Provide workgroup opportunity to change comments from last year given passage of HB 1001				X					
Develop guiding principles using HB 1001. Give to Council Director and Committee Chair for review.			X						
<b>Midterm progress report to Speaker's Office</b>					9/09				
Review statutes and draft changes using guiding principles from HB 1001. Give to Council Director and Committee Chair for review							X		
Solicit input from other committees/offices on issues such as eminent domain, retirement, fiscal, bonding, etc.							X		
Compile summary report and provide to Council Director and Committee Chair for review									X
Complete draft of PCB and provide to Council Director and Committee chair for review									X
Present summary report and draft PCB to committee									X
<b>Maximum due date for completion</b>									<b>1/13</b>

**August 1, 2005 progress report:** Committee staff has compiled a notebook of EXCEL charts summarizing work group review efforts to date. Copies of statutes needing further review or change have been assembled. Statutes amended during the 2005 Session that require additional review have been identified. Using HB 1001 as a framework, an initial draft of guiding principles has been developed for review by the Council Director and Committee. The guiding principles will be used in the development of the PCB. Committee staff has begun a more in-

depth review of the individual statutes that have been identified. Comments and recommended changes will be submitted to the Council Director on a weekly basis.

**September 1, 2005 progress report:** Committee staff and the Council Director continue to review the statutes using guiding principles from HB 1001. Search terms have been applied to 2005 Laws of Florida to identify additional statutes that may need review. EXCEL charts from last year's review have been forwarded to workgroup members to provide them the opportunity to update or revise comments based on the passage of HB 1001 or other legislation enacted during the 2005 Session. Responses are due to the committee staff by September 12, 2005.

**October 1, 2005 progress report:** Committee staff and the Council Director continue to review the identified statutes using the guiding principles from HB 1001. Additional search terms ("Division of Universities" and "Division of Colleges and Universities") and statutes for review have been identified. Updated comments to last year's review have been received from the state universities and OPB staff. Representatives of the community colleges and ICUF institutions will also be participating in the review process. Their comments plus any comments on the additional statutes identified for review are expected by October 31.

**November 4, 2005 progress report:** Committee staff and the Council Director continue to review the identified statutes using guiding principles from HB 1001. An additional search term ("college" in Chapter 1013, F.S.) was identified for review. Additional comments have been received from OPB staff and the ICUF institutions. Council and Committee staffs have had discussions with staff of the General Counsel's Office, the Education Appropriations Committee, the Governmental Operations Committee, the Health and Families Council, the Division of Bond Finance, and the Auditor General's Office to discuss issues relating to their respective areas of expertise.